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Robert J. Lemons

Attorneys for Lehman Brothers Holdings Inc.  
and Certain of Its Affiliates

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**In re** : **Chapter 11 Case No.**  
**LEHMAN BROTHERS HOLDINGS INC., et al.,ce** : **08-13555 (JMP)**  
**Debtors.** : **(Jointly Administered)**  
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**CERTIFICATE OF NO OBJECTION UNDER 28 U.S.C. § 1746  
REGARDING THE THREE HUNDRED FIFTY-EIGHTH  
OMNIBUS OBJECTION TO CLAIMS (IMPROPER AMENDMENTS)**

TO THE HONORABLE JAMES M. PECK  
UNITED STATES BANKRUPTCY JUDGE:

Pursuant to 28 U.S.C. § 1746, and in accordance with this Court's case management procedures set forth in the Second Amended Order Pursuant to Section 105(a) of the Bankruptcy Code and Bankruptcy Rules 1015(c) and 9007 Implementing Certain Notice and Case Management Procedures [ECF No. 9635] (the "Second Amended Case Management Order"), the undersigned hereby certifies as follows:

1. Lehman Brothers Holdings Inc. ("LBHI" and the "Plan Administrator"), as Plan Administrator under the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors, filed the Three Hundred Fifty-Eighth Omnibus Objection to Claims (Improper Amendments) [ECF No. 31049] (the "Motion") with this Court

on September 21, 2012. In accordance with the Second Amended Case Management Order and the Order Modifying Certain Existing Claims Orders [ECF No. 29505], October 22, 2012 at 4:00 p.m. (Prevailing Eastern Time) was established as the deadline (the "Objection Deadline") for parties to object or file a response to the Motion.

2. The Second Amended Case Management Order provides that pleadings may be granted without a hearing, provided that, *inter alia*, no objections have been filed prior to the relevant Objection Deadline and the attorney for the entity who filed the pleading complies with the relevant procedural and notice requirements. The Objection Deadline has now passed and, to the best of my knowledge, no objection or other responsive pleading to the Motion has been filed on the docket of the above-referenced cases in accordance with the procedures set forth in the Second Amended Case Management Order, nor has any objection or other responsive pleading to the Motion been served on counsel for the Plan Administrator. An Affidavit of Service with respect to the Motion was filed on September 27, 2012 [ECF. No. 31119].

3. Accordingly, for the reasons set forth in the Motion, the Plan Administrator respectfully requests that the Proposed Order annexed hereto as Exhibit A, which is unmodified from the proposed order submitted with the Motion, be entered in accordance with the

procedures described in the Second Amended Case Management Order.

I declare that the foregoing is true and correct.

Dated: November 9, 2012  
New York, New York

/s/ Robert J. Lemons  
Robert J. Lemons

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**EXHIBIT A**

**(Proposed Order)**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

**In re** : **Chapter 11 Case No.**  
**LEHMAN BROTHERS HOLDINGS INC., et al.** : **08-13555 (JMP)**  
**Debtors.** : **(Jointly Administered)**

**ORDER GRANTING THREE HUNDRED FIFTY EIGHTH  
OMNIBUS OBJECTION TO CLAIMS (IMPROPER AMENDMENTS)**

Upon the three hundred fifty eighth omnibus objection to claims, dated September 21, 2012 (the “Three Hundred Fifty Eighth Omnibus Objection to Claims”),<sup>1</sup> of Lehman Brothers Holdings Inc. (“LBHI” and the “Plan Administrator”), as Plan Administrator under the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors for the entities in the above-referenced chapter 11 cases, seeking, pursuant to section 502(b) of title 11 of the United States Code (the “Bankruptcy Code”), Rule 3007(d) of the Federal Rules of Bankruptcy Procedure, and this Court’s order approving procedures for the filing of omnibus objections to proofs of claim [ECF No. 6664] (the “Procedures Order”), to disallow and expunge the Improper Amendment Claims on the grounds that such claims are improper amendments of the corresponding Prior Claims, all as more fully described in the Three Hundred Fifty Eighth Omnibus Objection to Claims; and due and proper notice of the Three Hundred Fifty Eighth Omnibus Objection to Claims having been provided, and it appearing that no other or further notice need be provided; and the Court having found and determined that the relief sought in the Three Hundred Fifty Eighth Omnibus Objection to Claims is in the best interests of the Chapter 11 Estates, their creditors, and all parties in interest

<sup>1</sup> Capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to such terms in the Three Hundred Fifty Eighth Omnibus Objection to Claims.

and that the legal and factual bases set forth in the Three Hundred Fifty Eighth Omnibus Objection to Claims establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefore, it is

ORDERED that the relief requested in the Three Hundred Fifty Eighth Omnibus Objection to Claims is granted to the extent provided herein; and it is further

ORDERED that, pursuant to section 502(b) of the Bankruptcy Code, the claims listed on Exhibit 1 annexed hereto are disallowed and expunged in their entirety with prejudice; and it is further

ORDERED that nothing in this Order or the disallowance and expungement of the Improper Amendment Claims constitutes any admission or finding with respect to any of the Prior Claims, and the Plan Administrator's rights to object to the Prior Claims on any basis are preserved; and it is further

ORDERED that this Order has no res judicata, estoppel, or other effect on the validity, allowance, or disallowance of, and all rights to object and defend on any basis are expressly reserved with respect to, any claim listed on Exhibit A annexed to the Three Hundred Fifty Eighth Omnibus Objection to Claims that is not listed on Exhibit 1 annexed hereto; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: \_\_\_\_\_, 2012  
New York, New York

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UNITED STATES BANKRUPTCY JUDGE

## EXHIBIT 1

## IN RE LEHMAN BROTHERS HOLDINGS INC., ET AL., CASE NO: 08-13555 (JMP)

## OMNIBUS OBJECTION 358: EXHIBIT 1 - IMPROPER AMENDMENT CLAIMS

	NAME	CASE NUMBER	DEBTOR NAME	FILED DATE	CLAIM #	TOTAL CLAIM DOLLARS	REASON FOR PROPOSED DISALLOWANCE
1	CAMILLI-BERNAT, MARY JESSICA GROSSARTH PULLMAN & COMLEY, LLC 850 MAIN STREET, 8TH FLOOR BRIDGEPORT, CT 06604	08-13555 (JMP)	Lehman Brothers Holdings Inc.	08/05/2011	67600	\$2,051,346.84*	Purports to amend Claim No. 2149. Asserts new claim based on Executive and Select Employees Plan ("ESEP").
2	CHU, HELEN 22 APPLE TREE LN WARREN, NJ 07059	08-13555 (JMP)	Lehman Brothers Holdings Inc.	01/03/2012	67835	\$12,290.00	Purports to amend Claim No. 27362. Asserts new claim based on accrued bonus.
3	DELUCA, PHILIP F. 45 BIRCH STREET PORT WASHINGTON, NY 11050		Lehman No Case Asserted/All Cases Asserted	10/26/2011	67698	\$83,045.00	Purports to amend Claim No. 15671. Asserts new claim based on accrued bonus and unused vacation.
4	DELUCA, PHILIP F. 45 BIRCH STREET PORT WASHINGTON, NY 11050	08-13555 (JMP)	Lehman Brothers Holdings Inc.	11/15/2011	67718	\$83,045.00	Purports to amend Claim No. 67698. Asserts new claim based on accrued bonus and unused vacation.
5	EMMERT, JAMES R. 35 PROSPECT AVE GARDEN CITY, NY 11530	08-13555 (JMP)	Lehman Brothers Holdings Inc.	11/07/2011	67714	\$6,944.40	Purports to amend Claim No. 15093. Asserts new claim based on unused vacation.
6	EMMERT, JAMES R. 35 PROSPECT AVE GARDEN CITY, NY 11530	08-13555 (JMP)	Lehman Brothers Holdings Inc.	11/07/2011	67715	\$385,000.00	Purports to amend Claim No. 15093. Asserts new claim based on accrued bonus.
7	FERRARO, MICHAEL 7 BRANCH CT MARLBORO, NJ 07746	08-13555 (JMP)	Lehman Brothers Holdings Inc.	06/29/2012	68113	Undetermined*	Purports to amend Claim No. 13821. Asserts new claim based on partnership account.
8	GAMBARDELLA, LISA 80 BAY STREET LANDING APT 3B STATEN ISLAND, NY 10301	08-13555 (JMP)	Lehman Brothers Holdings Inc.	12/22/2011	67812	\$22,105.00	Purports to amend Claim No. 27360. Asserts new claim based on accrued bonus and unused vacation.
9	KARP, MICHAEL 11 CANDLEWOOD DR WEST WINDSOR, NJ 08550	08-13555 (JMP)	Lehman Brothers Holdings Inc.	11/23/2011	67744	\$10,950.00	Reasserts Claim No. 24104 which was disallowed pursuant to order entered on June 3, 2011 [ECF No. 17366].

\* - Indicates claim contains unliquidated and/or undetermined amounts

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**IN RE LEHMAN BROTHERS HOLDINGS INC., ET AL., CASE NO: 08-13555 (JMP)**

**OMNIBUS OBJECTION 358: EXHIBIT 1 - IMPROPER AMENDMENT CLAIMS**

	NAME	CASE NUMBER	DEBTOR NAME	FILED DATE	CLAIM #	TOTAL CLAIM DOLLARS	REASON FOR PROPOSED DISALLOWANCE
10	LIU, AMY 2250 BROADWAY APT 6F NEW YORK, NY 10024	08-13555 (JMP)	Lehman Brothers Holdings Inc.	12/06/2011	67779	\$19,371.00	Purports to amend Claim No. 27354. Asserts new claim based on accrued bonus.
11	LYONS, FREDERICK W. 75 WINGRA AVE RUTHERFORD, NJ 07070	08-13555 (JMP)	Lehman Brothers Holdings Inc.	03/02/2012	68033	\$70,000.00	Purports to amend Claim No. 31164. Seeks to reclassify claim as priority.
12	MANNINO, JOSEPH 126 BACK BONE HILL RD CLARKSBURG, NJ 08510	08-13555 (JMP)	Lehman Brothers Holdings Inc.	03/02/2012	67940	\$70,000.00	Purports to amend Claim No. 13370. Seeks to reclassify claim as priority.
13	MARTIAK, YULIYA 5 AVERY DR OLD BRIDGE, NJ 08857	08-13555 (JMP)	Lehman Brothers Holdings Inc.	01/03/2012	67834	\$6,477.04	Purports to amend Claim No. 27363. Asserts new claim based on accrued bonus.
14	METAXAS, JAMES 717 BIG RIDGE ESTS. EAST STROUDSBURG, PA 18302-7701	08-13555 (JMP)	Lehman Brothers Holdings Inc.	06/12/2012	68111	\$47,253.48	Purports to reclassify as unsecured claim Claim No. 12996, which was reclassified as equity interest pursuant to order entered on August 24, 2012 [ECF No. 30368].
15	MO KAN LI 166-05 76TH AVE. FRESH MEADOWS, NY 11366	08-13555 (JMP)	Lehman Brothers Holdings Inc.	12/06/2011	67780	\$19,942.31	Purports to amend Claim No. 27358. Asserts new claim based on accrued bonus.
16	MOSS, STEPHEN P.O. BOX 400, DEPT. LBHI BRONXVILLE, NY 10708-0400	08-13555 (JMP)	Lehman Brothers Holdings Inc.	10/04/2011	67677	\$584,657.66	Purports to amend Claim No. 67665. Reasserts Claim No. 22932 which was expunged pursuant to order entered on October 5, 2011 [ECF No. 20609].
17	REGAN, DAVID T. 11609 SHAVEN ROCK PLACE RALEIGH, NC 27613	08-13555 (JMP)	Lehman Brothers Holdings Inc.	12/13/2011	67786	\$26,334.00	Purports to amend Claim No. 24577. Asserts new claim based on accrued bonus and unused vacation.
18	YEUNG, BRIAN 140-37 CHERRY AVENUE APT #5B FLUSHING, NY 11355	08-13555 (JMP)	Lehman Brothers Holdings Inc.	12/01/2011	67791	\$22,175.77	Purports to amend Claim No. 27233. Asserts new claim based on accrued bonus and unused vacation.
<b>TOTAL</b>						<b>\$3,520,937.50</b>	

\* - Indicates claim contains unliquidated and/or undetermined amounts

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